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REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-11 are currently pending and stand rejected. Applicant has amended claims 1, 6, and 9 and has cancelled claims 5 and 11 without prejudice. No new matter has been added.

§ 112 rejection

Claim 9 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 9 to correct the antecedent basis issue helpfully noted by the Examiner. Withdrawal of the rejection is therefore respectfully requested.

§ 102 rejections

Claims 1-4, 6 and 8-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,062,280 to Martin Sr. ("Martin"). Applicant has incorporated the limitations of claim 5 into independent claim 1 and claim 11 into independent claim 6, rendering the rejection moot. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-6, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,658,602 to Giberson ("Giberson"). Applicant respectfully traverses this rejection.

Applicant has amended the application to clarify that the inventive coil structure contains two types of fins: substantially horizontal fins and substantially vertical fins. The horizontal fins were shown in Figure 4 of the originally-filed application and therefore do not constitute new matter. Entry is therefore respectfully requested.

The Office Action asserted that Giberson discloses a coil that can be used in a ducted unit and having vertical fins (p. 3). Applicant respectfully disagrees. Nothing in Giberson remotely suggests a coil having both horizontal fins and vertical fins or a coil with vertical fins that direct and divide outlet air into at least two directions. Instead, Giberson only states that room air is blown through the coil 14 in a radial direction (col. 1, lines 54-56). As shown in Figures 2 and 3, air is simply blown through the coil 14 without making any effort to direct the air in any particular direction, much less direct air substantially perpendicular to a coil surface.

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Moreover, the structure in Giberson is not usable in a ducted unit because the fan, and therefore the direction of airflow, shown in Giberson is in the wrong direction. Rather than being disposed downstream or upstream from the airflow of the fan, the coil 14 in Giberson is disposed perpendicular to the fan blades (Figure 1). The entire structure of the evaporator in Giberson requires this orientation to pitch the evaporator so that it drains condensate (Figures 2 and 3; col. 2, lines 17-29). One of ordinary skill in the art would not have been led to change the relative positions of the fan and the coil so that the coil can be used in a ducted unit.

At best, Giberson discloses a coil disposed radially with respect to a fan (as opposed to upstream or downstream) and having fins in only a single orientation. Because Giberson does not disclose or suggest any coil structure that can be used in a ducted unit and that has both substantially vertically and substantially horizontally-oriented fins, Giberson fails to anticipate currently remaining rejected claims 1-4, 6 and 10. Withdrawal of the rejection is therefore respectfully requested.

§ 103 rejection

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin in view of U.S. Patent No. 1,787,444 to French ("French"). Applicant respectfully traverses this rejection. Claim 7 depends on patentable claim 6 and is therefore patentable for the reasons explained above. Although French generally shows a plurality of blowers, French does not teach or suggest the claimed coil structure or fin structure. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claim 7. Withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized

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to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on July 21, 2004.


Beth A Beard